

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.58945

Michael Wilinski
Melissa Wilinski
934 Foxcroft Lane
Baltimore, MD 21221

934 Foxcroft Lane

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 1B01.1D, ZCPM; Baltimore County Code (BCC) section 13-7-310, 312; 13-4-201 (b)(d), failure to remove all trash & debris, failure to properly store all trash in containers with tight fitting lids, failure to stop work on vehicles on residential property known as 934 Foxcroft Lane, 21221.

On May 5, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: the Respondent, Michael Wilinski and, Chip Raynor, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 20, 2009 requesting cleanup of all trash and debris, proper storage of trash in cans with lids, and to cease working on automobiles at the residential property. This Citation was issued on May 5, 2009. Respondent was issued a Citation in 2007 for open dump, junk and debris violations, and avoided a potential \$200.00 penalty by cleaning up the property to comply with a Final Order.

B. Photographs in the file show a pickup truck up on front wheel ramps; piles of junk and toys; and garbage cans without lids. Re-inspection found some improvement, including lids on garbage cans, but the vehicle is still up on front ramps.

C. Respondent Wilinski testified that the piles are children's toys that he lacks space to store inside. He further testified that he will remove trash, properly store garbage and repair or remove the vehicle. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the property is found to be in compliance within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if all violations are corrected by June 26, 2009. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10TH day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf